ɜgd. No. M.—1175.

334

The Mysore Gazette

(EXTRAORDINARY.)

PUBLISHED BY AUTHORITY.

BANGALORE, FRIDAY, JULY 3, 1942.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. D. 70—I. & C. 1-42-2, dated 2nd July 1942.

In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, as applied to Mysore, the Government of His Highness the Maharaja are pleased to make the following Order :—

THE TYRE RATIONING ORDER, 1942.

Short title, extent and commencement.

1. (*1*) This order may be called the Tyre Rationing Order, 1942.

(*2*) It extends to the whole of Mysore.

(*3*) It shall come into force on the 4th day of July 1942.

Definitions.

2. In this order, unless there is anything repugnant in the subject or context,—

(*i*) "Area Rationing Authority" means an Area Rationing Authority appointed under clause 4;

(*ii*) "clause" means a clause of this Order;

(*iii*) "fleet-owner" means a person owning or operating six or more transport vehicles (as defined in section 2 of the Indian Motor Vehicles Act, 1939, but not including motor cabs);

(*iv*) "Form" means a Form appended to this Order;

(*v*) "giant tyre" or "tube" means a tyre or tube with a cross section of not less than five inches intended for use on a heavy transport vehicle or light transport vehicle as defined in section 2 of the Indian Motor Vehicles Act, 1939;

(*vi*) "manufacturer" means a person carrying on the business of manufacturing tyres or tubes, and includes a recognised representative of any such person;

(*vii*) "new tyre" or "tube" means a tyre or tube which has not been used, if at all, for more than 1,000 miles;

(*viii*) "Chief Rationing Authority" means a Chief Rationing Authority appointed under clause 3;

(*ix*) "reclaim manufacturer" means a person carrying on the business of producing reclaim rubber;

(*x*) "recognised" means recognised for the purposes of this Order by general or special order of the Government of Mysore;

(*xi*) "retreaded tyre" means a tyre which has been reconditioned by retreading, and which after such retreading has not been used, if at all, for more than 1,000 miles;

(*xii*) "retreader" means a person carrying on the business of retreading used tyres;

(*xiii*) "retreading" means the process of renewing the entire tread of a used tyre by the addition to it of rubber or rubber compound, and includes re-capping, re-soling, re-moulding and any other similar method of re-conditioning;

(*xiv*) "supplier" means a person carrying on the business of supplying tyres, tubes or retreaded tyres, and includes a manufacturer and a retreader who carries on such business;

(*xv*) "tube" means the inner tube of a pneumatic rubber tyre intended for use on the wheel of a vehicle;

(*xvi*) "tyre" means the outer cover of a pneumatic rubber tyre intended for use on the wheel of a vehicle;

(*xvii*) "unserviceable tyre" means a tyre which is irreparably damaged, or which is worn out and cannot be retreaded;

(*xviii*) "unserviceable tube" means a tube which is irreparably damaged or worn out;

(*xix*) "used tyre" or "tube" means a tyre or tube which is neither new nor unserviceable;

(*xx*) "vehicle" means a mechanically propelled vehicle, animal-drawn vehicle, or hand-cart, constructed or adapted for use on roads.

Provincial Rationing Authority.

3. (1) The Government shall appoint a Chief Rationing Authority having jurisdiction throughout the State.

(2) The Chief Rationing Authority shall, subject to the direction and control of the Government, exercise general control over the working of this order in the State.

(3) The Chief Rationing Authority may issue instructions to all or any Area Rationing Authorities as to the extent to which permits for new tyres or tubes or retreaded tyres or for retreading tyres may be granted and as to the manner in which the provisions of this order shall be carried out.

(4) The Chief Rationing Authority shall have power to revise any decision or order made by an Area Rationing Authority.

Area Rationing Authorities.

4. The Government may appoint such Area Rationing Authorities as it thinks fit, having jurisdiction in such areas and in respect of such vehicles or such class or classes of vehicles as may be specified in each case by the Government.

Return of stocks.

5. Every supplier other than a manufacturer, and every fleet-owner, shall submit a true return in duplicate in Form I, of his stocks of new tyres and tubes and retreaded tyres as at the close of business on the 3rd day of July 1942 so as to reach the Director of Industries and Commerce in Mysore, Bangalore, not later than the 13th day of July 1942.

Supply of new tyres, etc., only on permits.

6. New tyres and tubes and retreaded tyres shall be supplied or acquired only against the surrender to the supplier of a valid permit in Form 2 issued under the

provisions of this order, and only in accordance with any conditions or instructions appearing on such permit :

Provided that nothing in this clause shall apply to—

(*i*) the supply of tyres or tubes to, or the acquisition of tyres or tubes by any person carrying on the business of assembling new motor vehicles, solely for the purposes of such assembly ;

(*ii*) the supply or acquisition of tyres or tubes fitted to a motor vehicle and sold with it as part of its normal equipment ;

(*iii*) the supply or acquisition of new tyres or tubes or retreaded tyres under any general or special order of the Government, or in pursuance of a contract entered into with the supplier by the Chief Controller of Purchase (Supply) appointed by the Government of India ;

or (*iv*) the supply or acquisition of retreaded giant tyres.

Applications for permits in Form 2.

7. (1) Any person wishing to obtain a permit for the supply of a new tyre or tube or retreaded tyre shall make an application in Form 3 to the Area Rationing Authority having jurisdiction in respect of the vehicle for which the tyre or tube is required. A separate application shall be made in respect of each such vehicle.

(2) The applicant shall, after completing the application, have the form of certificate appended thereto completed by the supplier from whom he proposes to obtain the tyre or tube, and then submit the application to the Area Rationing Authority, together with the certificate of registration, if any, of the vehicle for which the tyre or tube is required :

Provided that where the applicant is a fleet-owner, he need not have the form of certificate completed.

Permits for retreaded tyres instead of new tyres.

8. Notwithstanding that an application is for a permit to acquire new tyres, an Area Rationing Authority may, in its discretion grant a permit to acquire retreaded tyres only.

Permits to authorise supply by recognised suppliers.

9. No permit in Form 2 shall authorise the supply of new tyres or tubes or retreaded tyres by any person other than a recognised supplier.

Period of validity.

10. A permit shall be valid only for the period specified therein.

338

11. An Area Rationing Authority may in its discretion issue a permit in Form 2 after detaching Part II thereof, in which case it shall endorse that fact on Part I of the permit. Issue of permits without Part II.

12. (*1*) A person to whom a permit in Form 2 has been granted by the Area Rationing Authority (hereinafter referred to as the "permit-holder") shall hand over the permit to the supplier named therein, and shall also, before taking delivery of the tyres or tubes specified in the permit, surrender to the supplier the old tyres or tubes for the replacement of which the permit has been granted. Procedure for supply of new tyres, etc., on permits.

(*2*) If the supplier is unable to supply from stock the tyres or tubes specified in the permit, or wishes to replenish his stocks and Part II of the permit has not been detached by the Area Rationing Authority under clause 9, he shall detach Part II of the permit and send it with his indent to the manufacturer.

(*3*) Any manufacturer furnishing a supplier with tyres or tubes on an indent made under sub-clause (*2*) shall endorse on the back of Part II of the permit the manufacturer's serial numbers of the tyres so furnished, if any, and send the document to the Area Rationing Authority which issued the permit.

(*4*) The supplier shall, within seven days of delivering the tyres or tubes specified in the permit to the permit-holder,—

(*a*) endorse on Part I of the permit the manufacturer's serial numbers of the tyres supplied by him and of the old tyres surrendered to him under sub-clause (*1*) and send the document to the Area Rationing Authority;

(*b*) deliver or despatch to the reclaim manufacturer mentioned on the back of Part I of the permit, the old tyres or tubes surrendered under sub-clause (*1*).

(*5*) The permit-holder shall be entitled to receive from the supplier for the old tyres or tubes surrendered by him under sub-clause (*1*) prices at such rates as may be fixed by the Central Government in this behalf, and the supplier shall be entitled to receive an equal amount from the reclaim manufacturer to whom he has delivered or despatched them under sub-clause (*4*).

13. No person other than a recognised retreader shall retread any used tyre. Retreading by recognised retreaders only

339

Permits for retreading tyres.

14. No person shall retread, or undertake to retread, any used tyre belonging to another person, unless that other person is in possession of a valid permit in Form 4 authorising such retreading and surrenders it to the retreader at the time of delivering the used tyre for retreading:

Provided that nothing in this clause shall apply to the retreading of any used tyre—

(*i*) under a general or special order of the Government;

(*ii*) in pursuance of a contract entered into with the Chief Controller of Purchase (Supply) appointed by the Government of India;

(*iii*) which is the property of the Government; or

(*iv*) which is a giant tyre.

Applications for permits in Form 4.

15. (*1*) Any person wishing to obtain a permit for the retreading of his used tyres shall, after completing an application in Form 5, have the form of certificate appended thereto completed by the supplier or retreader to whom he proposes to entrust the work, and then submit the application to the Area Rationing Authority having jurisdiction in respect of the vehicle on which those tyres are used.

(*2*) A separate application shall be made in respect of each such vehicle.

——orsement and return of permits in Form 4.

16. The retreader to whom a permit in Form 4 is surrendered in accordance with the provisions of clause 14 shall, after endorsing thereon the manufacturer's serial numbers of the tyres given to him for retreading, return the permit to the Area Rationing Authority issuing it.

Prohibition of supply of new tyres, etc., in contravention of this Order.

17. No person shall supply or acquire any new tyre or tube or retreaded tyre otherwise than in accordance with the provisions of this Order.

Prohibitions of transfer of permits.

18. No person shall transfer to any other person any permit issued to himself under the provisions of this Order.

Prohibitions as to possession, etc., of unserviceable tyres and tubes.

19. No person other than a recognised reclaim manufacturer—

(*a*) shall have in his possession any unserviceable tyre or tube for more than ten days after the tyre or tube became unserviceable;

(*b*) shall use for any purpose, or destroy, any unserviceable tyre or tube;

398

(*c*) shall sell, or otherwise dispose of, any unserviceable tyre or tube except to a recognised supplier or reclaim manufacturer.

Production of vehicles for inspection of tyres and tubes.

20. An Area Rationing Authority may require an applicant for a permit under this Order to produce the vehicle in respect of which the application is made for an examination of its tyres and tubes, and may issue such directions concerning the replacement or retreading of tyres as it thinks fit; and the applicant shall comply with such directions.

Furnishing of information regarding stocks of dealers, etc.

21. Any supplier, retreader, or fleet-owner shall, on being required so to do by the Area Rationing Authority, furnish such information regarding the sale, use or disposal of his stocks of tyres and tubes as that Authority may demand, and shall allow that Authority to inspect those stocks.

Making false statements, etc., in connection with applications for permits.

22. (*1*) If a person applying for a permit under this Order makes any false statement in his application, then, without prejudice to any action that may be taken against him under rule 117 of the Defence of India Rules, as applied to Mysore, the Area Rationing Authority may reject that and any subsequent application for a permit under this Order made by or on behalf of that person.

(*2*) If a supplier or retreader makes a false statement or gives a false certificate in connection with any application for a permit under this Order, then, without prejudice to any action that may be taken against him under rule 117 of the Defence of India Rules, as applied to Mysore, the Area Rationing Authority may refuse to grant any permit authorising the supply of new tyres or tubes or retreaded tyres by such supplier, or as the case may be, the retreading of any used tyres by such retreader.

FORM I.

(*See* clause 5.)

THE TYRE RATIONING ORDER, 1942.

Return of stocks of new tyres and tubes and retreaded tyres.

Name of person making the return.....

Full Address.....

.....

I/We declare that $\frac{\text{I am}}{\text{We are}}$ a $\frac{\text{supplier(s)}}{\text{retreader(s)}}$ $\frac{}{\text{fleet owner(s)}}$ and that $\frac{\text{my}}{\text{our}}$ stocks in hand and in transit * at the close of business on the 3rd July 1942 were as follows :—

	Size of Tyres 1	Quantity of new tyre in stock or in transit 2	Quantity of new tubes in stock or in transit 3	Quantity of retreaded tyres in stock or in transit 4
**1. Motor Vehicles				
a. Giants—				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
Total ...				
b. Others—				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
.....				
2. Animal Drawn Vehicles and Hand carts				
.....				
.....				
.....				
Total ...				

Signature.....

Date.....

*The return should include goods in transit in respect of which an invoice has been received.

**Quantities should be shown separately size by size.

NOTIFICATION.

342

Order No. Rl. 96—*Legis.* 2-42-1, *dated Bangalore, the 22nd July* 1942.

Ordered that the accompanying Essential Services (Maintenance) Act, 1942, which received the assent of His Highness the Maharaja, on the 7th day of July 1942, be published as Act No. XXIII of 1942, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No. XXIII OF 1942.

ESSENTIAL SERVICES (MAINTENANCE) ACT, 1942.

(*Received the assent of His Highness the Maharaja on the seventh day of July 1942.*)

Whereas it is expedient to make provision for the maintenance of certain essential services; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Essential Services (Maintenance) Act, 1942.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Interpretation.

2. In this Act unless there is anything repugnant in the subject or context, "employment" includes employment of any nature and whether paid or unpaid.

Employment to which this Ordinance applies.

3. This Act shall apply to all employment under the Government and to any employment or class of employment which the Government, being of opinion that such employment or class of employment is essential for securing the defence of India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies or services necessary to

the life of the community, may, by notification in the official Gazette, declare to be an employment or class of employment to which this Act applies.

Power to order persons engaged in certain employments to remain in specified areas.

4. (1) In respect of any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, the Government making the declaration, or an officer authorised in this behalf by that Government may, by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

Offences.

5. Any person engaged in any employment or class of employment to which this Act applies who—

(*a*) disobeys any lawful order given to him in the course of such employment, or

(*b*) without reasonable excuse abandons such employment or absents himself from work, or

(*c*) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, who without reasonable cause—

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment, is guilty of an offence under this Act.

Regulation of wages and conditions of service.

6. (1) The Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules

to give them, any person failing to comply therewith is guilty of an offence under this Act.

Penalties and procedure.

7. (1) Any person found guilty of an offence under this Act shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No Court shall take cognizance of any offence under this Act, except upon complaint in writing made by the Government or by a person authorised in this behalf by the Government.

Bar of legal proceedings.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Effect of orders, rules, etc., made under this Act.

9. Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything inconsistent therewith contained in any Act, Regulation, or Enactment.

Repeal and savings.

10. The Essential Services (Maintenance) (Emergency) Act, 1942 (XXVI of 1942), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act, as if this Act had commenced on the 20th day of February 1942.

N. MADHAVA RAU,
Dewan.

Price: Re. 0-0-6.

Printed by the Superintendent at the Government Press, Bangalore.